

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

MATTHEW PIETRACATELLO, an
individual,

Plaintiff,

v.

LEGACY HEALTH, a corporation,

Defendant.

Case No. 3:23-cv-01540-YY

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

Caroline Janzen and Paul Janzen, Rugged Law, Inc., 4550 SW Hall Boulevard, Beaverton, OR 97005. Attorneys for Plaintiff.

Brenda K Baumgart, John B. Dudrey, Megan S. Bradford, and Dominik Mackinnon, 760 SW Ninth Avenue, Suite 3000, Portland, OR 97205. Attorneys for Defendant.

IMMERGUT, District Judge.

Before this Court is a Motion to Dismiss under Federal Rule of Civil Procedure 12(b) filed by Defendant Legacy Health (“Defendant”). ECF 6. Judge You issued her Findings and Recommendations (“F&R”) recommending that Defendant’s motion be denied. ECF 19. Defendant filed objections, ECF 21, and Plaintiff responded. ECF 22. After de novo review of the F&R, objections, and response, this Court adopts the F&R.

STANDARDS

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R that are not objected to. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

This Court has reviewed de novo the portions of Judge You’s F&R to which Defendants objected. This Court agrees with Judge You’s analysis and ADOPTS the F&R, ECF 19, in full. Defendant’s Motion to Dismiss, ECF 6, is DENIED.

IT IS SO ORDERED.

DATED this 10th day of December, 2024.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge